

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARCELLOUS WALKER,

Plaintiff,

v.

Case No. 06-C-839

HELENE NELSON, et al.,

Defendants.

ORDER

The defendants have filed a motion to dismiss this case on the ground that the plaintiff has repeatedly failed to sign a medical records release form. This court issued a notice to plaintiff that unless he responded to the motion by May 18, 2007, the motion would be decided on the basis of the record without input from him. Plaintiff has not responded.

This is a case involving the plaintiff's health. Specifically, he alleges that the defendants stood by while other inmates assaulted him. The existence and severity of any injuries he sustained is, therefore, key evidence in this case. Having failed to respond to the defendants' repeated attempts to obtain his cooperation, and having failed to respond to the instant motion despite the court's notice, the plaintiff has indicated an unwillingness to proceed with this action. Accordingly, the motion to dismiss is **GRANTED** and the case is **DISMISSED**.

SO ORDERED this 31st day of May, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge